

PATENT

AT&T Docket No. Albert 6-6-5-6-4

M&F Docket No. 2455-4411US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Albert et al.

Serial No. : 08/883,557

Group Art Unit: 2735

Filed : June 26, 1997

Examiner: Brian Zimmerman

For : WIRELESS ADAPTER AND WIRELESS FINANCIAL
TRANSACTION SYSTEM

Commissioner of Patents
Washington, D.C. 20231
Box: AF

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FEB 06 2001

Technology Center 2600

**NOTICE OF APPEAL TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the
final rejection dated June 8, 2000 (Paper No. 15). The items(s) checked below are appropriate:

- ☐ Fee not required (Fee paid in prior appeal)
- ☒ Appeal Fee Large Entity (\$310)
- ☐ Small Entity Appeal Fee (\$155)
- ☐ A check in the amount of \$ _____ to cover the appeal fee is enclosed.
- ☒ Charge fee to Deposit Account No. 13-4503, Order No. 2455-4411US3,
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

PATENT

AT&T Docket No. Albert 6-6-5-6-4

M&F Docket No. 2455-4411US3



The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4503. Order No. 2455-4411US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN

Dated: December 21, 2000

By: 

James Hwa

Registration No. 42,680

(202) 857-8017

CORRESPONDENCE ADDRESS::

MORGAN & FINNEGAN

345 Park Avenue

New York, New York 10154

(212) 758-4800

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RESPONSE UNDER 37 C.F.R. § 1.116

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Washington, DC 20231

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Sir:

In response to the Final Official Action mailed from the Patent and Trademark Office on June 22, 2000, applicants respectfully request reconsideration of the application in view of the following remarks.

REMARKS

I. Status of the Claims

Claims 13-49 and 61-69 are pending in this application.

II. Rejections under 35 U.S.C. § 102 and § 103

Claims 13-15, 20, 28-30, 43-45, 48, 49, 60, 61-65 and 69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,408,513 to Busch, Jr. et al. ("Busch"). Claims 16-27, 31-42, 46, 47 were rejected under 35 U.S.C. §103 as being unpatentable over Busch in view of alleged common knowledge of the art. Claims 66-68 were rejected under 35 U.S.C. §103(a) as being unpatentable over Busch and further in view of U.S. Patent No. 5,706,330 to Bufferd et al. ("Bufferd"). Applicants respectfully traverse the rejections to claims

13-49 and 61-69 and the official notice taken with regard to claims 16, 17, 19-27, 31, 32, 34-42, 46 and 47.

Claim 13 recites a wireless adaptor that includes an audio frequency modem to convert financial signals from a first signal format to digital signals and a processor to process the digital signals to a second format for transmission by a first wireless modem. The processor also processes authorization signals in the second signal format to digital signals for conversion to the first signal format by the audio frequency modem.

Applicants respectfully disagree with the Examiner's assertions that the claimed audio frequency modem is taught by the acoustic coupler 126 of Busch. See Office Action dated June 22, 2000, page 2, ¶3 ("The adaptor includes an audio frequency modem 126 as claimed."). For example, the acoustic coupler 126 of Busch converts electrical signals to sound and sound to electrical signals in order to acoustically couple interface 112 with telephone station 124. The acoustic coupler 126 simply does not convert financial signals in a first signal format (originating from the financial transaction device) to digital signals or convert authorization signals in the second signal format to digital signals.

Furthermore, Busch does not disclose or suggest a processor to process the digital signals (from the audio frequency modem) to a second format for transmission by a first wireless modem and to process authorization signals in the second signal format to digital signals for conversion to the first signal format by the audio frequency modem. Busch is silent as to any processor that processes signals from the acoustic coupler 126 to another format for transmission by telephone station 124 or that processes authorization signals in one format to digital signals prior to transmission through the acoustic coupler 126 to interface 112.

The remaining cited references adds nothing to Busch that would in any way supplement the above-noted deficiencies in the Busch teaching.

Accordingly, claim 13 and the claims dependent therefrom are not anticipated or made obvious by the references, individually or in combination.

Independent claim 28 also incorporates an audio frequency modem and processor arrangement similar to that claimed in claim 13. For similar reasons as discussed above for claim 1, claim 28 and the claims depending therefrom are not anticipated or made obvious by the cited references, individually or in combination.

Claim 43 is directed to a method of operating a financial transaction device between the financial transaction device and an authorization processor. The method converts signals received from the financial transaction device to digital data signals not compatible with the public switched telephone network. The converted signals are transmitted to host computer via a first and second wireless modem. The method further converts digital data received from the host computer, via first and second modem, to signals compatible with the public switched telephone network.

Applicants respectfully disagree with the Examiner's assertions that the claimed signal conversion processes are taught by Busch. Specifically, the Examiner asserts that interface 112 performs the claimed conversion since the input to interface 112 is an RJ-11 and the output to the interface 12 is an RJ-48.

However, the RJ-11 input and RJ-48 output for interface 112 simply indicate the physical interconnection between the interface 112 and the terminal 110 and acoustic coupler

126 respectively. Busch is still silent as to the format of the signals being transmitted via the RJ-11 and RJ-48 inputs/outputs and fails to show any components in the interface 112 that perform the claimed signal conversion, namely conversion of signals compatible with the PSTN (from a financial transaction device) to digital signals not compatible with the PSTN and vice-versa. Busch merely shows an interface 112 that monitors and routes signals between terminal 110 and acoustic coupler 126. See Busch, col. 7, lines 31-36.

Accordingly, claim 43 and the claims dependent therefrom are not anticipated or made obvious by the cited references.

Independent claim 69 also incorporates an audio frequency modem and processor arrangement similar to that claimed in claim 13. As discussed above for claim 13, Busch and Bufferd do not disclose or suggest the claimed audio frequency modem and processor arrangement.

Claim 69 further recites that the audio frequency modem is electrically coupled to the first wireless modem. On the contrary, Busch shows an acoustic coupler 126 that is acoustically, not electrically, coupled to the telephone station 124. Clearly, Busch does not disclose or suggest an audio frequency modem being electrically coupled to a first wireless modem.

Furthermore, the Examiner relies on the acoustic coupler to meet the claim limitation of the audio frequency modem of converting signals from A/D and vice-versa. However, in Busch, the acoustic coupler is simply one example of how an interface 112 is connected to a wireless telephone station 124. In other alternative embodiments, Busch shows direct electrical connection (in lieu of an acoustic connection) between the interface 112 and

handset 124. However, in such electrical arrangements, an acoustic coupler would be unnecessary.

For the above reasons, claim 69 is not anticipated or made obvious by Busch. Furthermore, Applicants respectfully request withdrawal of the finality of the Office Action. Claim 69 includes claim language "the audio frequency modem is electrically coupled to the first wireless modem" that was not previously claimed in the earlier application and could not have been finally rejected if they had been entered in the earlier application. Accordingly, the first action FINAL is believed to be improper.

In view of the foregoing, Applicants respectfully submit that pending claims 13-49 and 66-69 patentably distinguish over the cited references, individually and in combination. Reconsideration and withdrawal of the rejections to claims 13-49 and 66-69 are respectfully requested.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and allowance of this application.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this paper to Deposit Account 13-4503, Order No. 2455-4411US3. A duplicate copy of this sheet is attached.

Respectfully submitted,

MORGAN & FINNEGAN

Dated: December 22, 2000

By: 

James Hwa
Reg. No. 42,680
(202) 857-7887

Mailing Address:

MORGAN & FINNEGAN
345 Park Avenue
New York, New York 10154
(212) 758-4800 Telephone; (212) 751-6849 Facsimile

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Due: December 22, 2000:

The following was received in the U.S. Patent and Trademark Office on the date stamped hereon:

1. Response Under 37 CFR 1.116 (responsive to Office Action mailed June 22, 2000)
2. Petition & Fee for Ext. of time (37 C.F.R.) 1.36(a) (duplicate)
3. Notice of Appeal (in duplicate)
4. Deposit Account Authorization (in duplicate)

Date: December 22, 2000

Atty: JH/

